

AN ACT

RELATING TO EXECUTIVE REORGANIZATION; PERMITTING THE GOVERNOR TO REORGANIZE CERTAIN AGENCIES BY EXECUTIVE ORDER IN 2003 TO MAKE THEM CABINET-LEVEL DEPARTMENTS; REQUIRING LEGISLATIVE APPROVAL OF SUCH EXECUTIVE ORDER REORGANIZATIONS; RENAMING THE NATIONAL HISPANIC CULTURAL CENTER OF NEW MEXICO; PROVIDING FOR TRANSFERS OF FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY AND PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. PURPOSE--ELEVATING STATE AGENCIES TO CABINET-LEVEL DEPARTMENTS.--

A. The purpose of elevating the state agency on aging to a cabinet-level department is to:

(1) implement and administer the requirements of the federal Older Americans Act of 1965 and other programs, services and policies that were administered by the state agency on aging;

(2) develop programs and unified public policies that address the needs of the aging population, their families and caregivers;

(3) develop programs and unified public policies that address the long-term care system in New Mexico and focus on creation of a seamless, comprehensive, efficient and cost-effective home- and community-based long-term care system;

(4) create and organize divisions to carry out the purposes identified in this section, including but not limited to, consumer rights and advocacy,

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aging network services and long-term care divisions;

(5) work with consumers, advocacy organizations, providers, other departments, stakeholders and the legislative health and human services committee to develop a comprehensive plan to provide long-term care and related services for an older adult population; and

(6) develop a comprehensive plan to coordinate, reorganize and consolidate older adult services by June 30, 2004.

B. The purpose of elevating the office of cultural affairs to a cabinet-level department is to:

(1) develop programs and unified public policies for cultural affairs; and

(2) improve and enhance educational, historical, archaeological and architectural preservation, collections and other cultural services for the state.

C. The purpose of elevating the New Mexico office of Indian affairs to a cabinet-level department is to:

(1) investigate, study, consider and act upon the entire subject of Indian conditions and relations within the state, including issues of health, economy, education, legislation, safety, welfare and local, state and federal government;

(2) ensure coordination between state government and tribal governments, including technical assistance, advocacy and informational services; program and fiscal management; and capital outlay management, through methods that promote effective tribal and state working relationships for provision of quality services; and

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(3) provide a conduit for state and tribal government-to-government relations that increases each sovereign's ability to respond more effectively to the issues and needs of the state's Native American communities and citizens.

D. The purpose of elevating the New Mexico veterans' service commission to a cabinet-level department is to:

(1) develop programs and unified public policies that address the needs of veterans and their families; and

(2) develop and expand outreach and education to improve the quality of life for veterans and their families.

Section 2. EXECUTIVE REORGANIZATION--EXECUTIVE ORDER--
TRANSFERS--LEGISLATIVE APPROVAL.--

A. The governor may, by executive order issued in 2003, make the following state agencies cabinet-level departments:

(1) the state agency on aging may become the aging and long-term care department;

(2) the office of cultural affairs may become the cultural affairs department;

(3) the New Mexico office of Indian affairs may become the Indian affairs department; and

(4) the New Mexico veterans' service commission may become the veterans' service department.

B. Functions, personnel, appropriations, money, records, files, furniture, equipment and other property of an agency specified in Subsection A of this

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section shall be transferred to the resulting department. Contractual and statutory obligations of the original agency shall be obligations of the resulting department.

C. The executive order relating to the state agency on aging may provide for the transfer of functions, personnel, appropriations, money, records, files, furniture, equipment, supplies and other property of the children, youth and families department, human services department and department of health pertaining to adult services to the aging and long-term care department.

D. The governor, with the advice and consent of the senate, shall appoint a secretary for each of the cabinet-level departments created pursuant to Subsection A of this section.

E. If a bill of the forty-sixth legislature, second session, approving an executive reorganization undertaken pursuant to Subsection A of this section is not enacted into law, that reorganization is void.

Section 3. Section 18-12-1 NMSA 1978 (being Laws 1993, Chapter 42, Section 1, as amended) is amended to read:

"18-12-1. SHORT TITLE.--Chapter 18, Article 12 NMSA 1978 may be cited as the "National Hispanic Cultural Center Act"."

Section 4. Section 18-12-2 NMSA 1978 (being Laws 1993, Chapter 42, Section 2, as amended) is amended to read:

"18-12-2. DEFINITIONS.--As used in the National Hispanic Cultural Center Act:

A. "board" means the board of directors of the center;

B. "center" means the national Hispanic cultural center;

C. "division" means the Hispanic cultural division of the office of cultural affairs; and

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D. "executive director" means the executive director of the division."

Section 5. Section 18-12-3 NMSA 1978 (being Laws 1993, Chapter 42, Section 3, as amended) is amended to read:

"18-12-3. HISPANIC CULTURAL DIVISION--CREATION--PROPERTY.--

A. The "Hispanic cultural division" is created within the office of cultural affairs. A principal facility of this division shall be known as the "national Hispanic cultural center".

B. All property, real or personal, now held or subsequently acquired for the operation of the center shall be under the control and authority of the board.

C. Funds or other property received by gift, endowment or legacy shall remain under the control of the board and shall, upon acceptance, be employed for the purpose specified."

Section 6. Section 18-12-4 NMSA 1978 (being Laws 1993, Chapter 42, Section 4, as amended) is amended to read:

"18-12-4. BOARD OF DIRECTORS--CREATED--APPOINTMENT--TERMS--OFFICERS.--

A. The "board of directors of the national Hispanic cultural center" is created. The board shall consist of fifteen residents of New Mexico appointed by the governor with the advice and consent of the senate. Two of the appointees shall be employees of state institutions of higher education or appropriate state agencies. In making the appointments, the governor shall give due consideration to:

- (1) the ethnic, economic and geographic diversity of the state;
- (2) individuals who have demonstrated an awareness of and support for traditional and contemporary Hispanic culture, arts and humanities,

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including a strong knowledge of New Mexico Hispanic history; and

(3) individuals who are knowledgeable in the areas of Hispanic performing, visual and oral arts, genealogy, family issues, education, business and administration.

B. Of the initial appointees, five members shall be appointed for four-year terms, five members shall be appointed for three-year terms and five members shall be appointed for two-year terms. All subsequent members shall be appointed for four-year terms.

C. A majority of the board members currently serving shall constitute a quorum at any meeting or hearing.

D. Any member failing to attend three consecutive meetings after receiving proper notice shall be recommended for removal by the governor. The governor may also remove any member of the board for neglect of any duty required by law, for incompetency, for unprofessional conduct or for violating any provisions of the National Hispanic Cultural Center Act. If a vacancy occurs on the board, the governor shall appoint another member to complete the unexpired term.

E. The executive director shall be an ex-officio nonvoting member of the board.

F. The governor shall designate the president of the board, who shall serve in that capacity at the pleasure of the governor.

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